

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AETHER THERAPEUTICS INC.,

Plaintiff,

v.

ASTRAZENECA AB, ASTRAZENECA
PHARMACEUTICALS LP, NEKTAR
THERAPEUTICS, and DAIICHI SANKYO,
INC.,

Defendants.

Civil Action No. 20-381-MN

AETHER THERAPEUTICS INC.,

Plaintiff,

v.

REDHILL BIOPHARMA INC.,

Defendant.

Civil Action No. 21-248-MN

[PROPOSED] ORDER

This ____ day of _____, 2021, upon consideration of Defendants’ Motion for Judgment on the Pleadings on Aether’s Claims for Infringement of U.S. Patent Nos. 8,883,817, 9,061,024, and 8,748,448 Under Federal Rule of Civil Procedure 12(c) (“Defendants’ Motion”), and all Responses and Replies thereto, and having determined that good cause exists for the requested relief;

IT IS HEREBY ORDERED that Defendants’ Motion is GRANTED;

1. Judgment of non-infringement under the doctrine of equivalents is hereby entered for all Defendants and against Plaintiff Aether Therapeutics Inc. (“Aether”) on Aether’s claims against Defendants for infringement of U.S. Patent Nos. 8,883,817 and 9,061,024 (C.A. No. 20-381, D.I. 19, Counts IX-XVI; C.A. No. 21-

248, D.I. 33, Counts III-IV);

2. Judgment of non-infringement under the doctrine of equivalents is hereby entered for Defendant RedHill BioPharma Inc. (“RedHill”) and against Aether on Aether’s claim against RedHill for infringement of U.S. Patent No. 8,748,448 (C.A. No. 21-248, D.I. 33, Count II).

United States District Judge